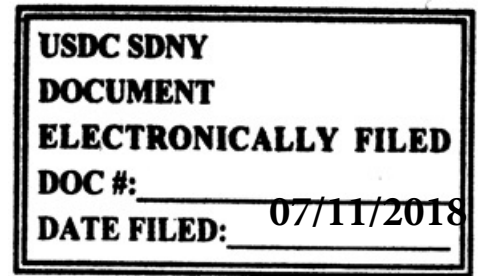




July 10, 2018



**VIA E-FILING**

Hon. Katharine H. Parker  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**APPLICATION GRANTED**

*Katharine H. Parker*  
**Hon. Katharine H. Parker, U.S.M.J.**

**Re: Daniel Kleeberg, et al. v. Lester Eber, et al.  
Case No. 1:16-cv-09517 (LAK/KHP)**

**07/11/2018**

Dear Magistrate Judge Parker:

Please accept this joint motion letter regarding discovery deadlines. At our Scheduling Conference on May 30, 2018, it was all counsel's recollection that paper discovery would be set for an August 28, 2018 deadline prior to the September 5, 2018, with depositions to follow thereafter if no settlement is reached. Accordingly, subject to the Court's approval, all parties respectfully request that the current Scheduling Order setting August 28, 2018 as the deadline for all discovery be amended setting August 28, 2018 as the paper discovery deadline. Thank you for your consideration.

Respectfully,

s/Paul F. Keneally

Paul F. Keneally

PFK/gmc

cc.: Robert Calihan, Esq. *(via ECF and email)*  
Brian Brook, Esq. *(via ECF and email)*  
Daryoush Behbood, Esq. *(via email)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL KLEEBERG, LISA STEIN  
and AUDREY HAYS

Plaintiffs,

vs.

1:16-cv-09517

LESTER EBER, ALEXBAY, LLC  
f/k/a LESTER EBER, LLC,  
CANANDAIGUA NATIONAL CORPORATION  
d/b/a CANANDAIGUA NATIONAL BANK AND TRUST,  
ELLIOT W. GUMAER, JR., EBER BROS. & CO, INC.,  
EBER BROS. WINE AND LIQUOR CORP.,  
EBER BROS. WINE & LIQUOR METRO, INC.,  
EBER CONNECTICUT, LLC and WENDY EBER,

Defendants.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of July, 2018, the forgoing letter regarding discovery deadlines was filed electronically with the Clerk of the U.S. District Court for the Southern District of New York using its CM/ECF system. Notice of this filing is being sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DATED: July 10, 2018  
Rochester, New York

UNDERBERG & KESSLER LLP

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